

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

IN RE: AETNA UCR LITIGATION,

This Document Relates To: *Weintraub*

*Document Electronically Filed*

MDL NO. 2020

Master File No. 2:07-CV-3541 (FSH)

Weintraub v. Ingenix, Inc., et al., Docket  
No. 2:09-cv-2027

**DECLARATION OF NICHOLAS J.  
PAPPAS, ESQ. IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR CLASS  
CERTIFICATION AND IN SUPPORT  
OF UNITEDHEALTH GROUP,  
INC.'S AND INGENIX, INC.'S  
MOTION TO EXCLUDE THE  
TESTIMONY AND OPINIONS OF  
PLAINTIFFS' EXPERTS BERNARD  
R. SISKIN, Ph.D. AND GORDON  
RAUSSER, Ph.D.**

I, Nicholas J. Pappas, Esq., hereby declare and state the following:

1. I am a member of the law firm of Weil, Gotshal & Manges LLP ("WGM"), which represents Defendants UnitedHealth Group, Inc. ("UHG") and Ingenix, Inc. ("Ingenix") in the above-captioned litigation.

2. I submit this declaration on behalf of UHG and Ingenix in opposition to Plaintiffs' Motion for Class Certification, dated May 28, 2010 ("Motion"), and in support of UHG's and Ingenix's Motion *in Limine* to Exclude the Testimony and Opinions of Plaintiffs' Expert Bernard Siskin Ph.D. and Gordon Rausser Ph.D., dated July 2, 2010, in

the above-captioned matter. I have personal knowledge of the matters contained in this declaration

3. Annexed hereto as Exhibit A is a true and correct copy of the Deposition of Stephen Foreman, Ph.D, dated May 17, 2010.

4. Annexed hereto as Exhibit B is a true and correct copy of the Expert Report of Andrew S. Joskow, dated April 6, 2010.

5. Annexed hereto as Exhibit C is a true and correct copy of the Deposition Transcript of Gordon Rausser, Ph.D., dated May 20-21, 2010.

6. Annexed hereto as Exhibit D is a true and correct copy of Summary Plan Description for Jack in the Box Inc. Health Partners Plan 1.

7. Annexed hereto as Exhibit E is a true and correct copy of Certificate of Coverage, Riders, Amendments and Notices for TVI Corporation, Inc.

8. Annexed hereto as Exhibit F is a true and correct copy of the Expert Report of Dr. Bernard Siskin, dated April 6, 2010.

9. Annexed hereto as Exhibit G is a true and correct copy of the Deposition Transcript of Dr. Bernard Siskin, dated May 13-14, 2010.

10. Annexed hereto as Exhibit H is a true and correct copy of the Expert Report of Dr. Stephen Foreman, Ph.D., dated April 6, 2010.

11. Annexed hereto as Exhibit I is a true and correct copy of the Expert Report of Dr. Daniel Slottje, dated April 6, 2010.

12. Annexed hereto as Exhibit J is a true and correct copy of the Expert Report of Gordon Rausser, Ph.D., dated April 6, 2010.

13. Annexed hereto as Exhibit K is a true and correct copy of the Prevailing Healthcare Charges System (PHCS) Reference Manual, 2007.

14. Annexed hereto as Exhibit L is a true and correct copy of the *AMA* Settlement Agreement, dated Jan. 16, 2009.

15. Annexed hereto as Exhibit M is a true and correct copy of the Rebuttal Report of Bernard Siskin, Ph.D., dated April 30, 2010.

16. Annexed hereto as Exhibit N is a true and correct copy of the Deposition Transcript of James D. Cross M.D., dated March 23, 2010.

17. Annexed hereto as Exhibit O is a true and correct copy of the Deposition Transcript of Michelle Denise Ferensic-Smith, dated April 12, 2010.

18. Annexed hereto as Exhibit P is a true and correct copy of the Responsive Expert Report of Dr. Andrew S. Joskow Appendix C, dated May 1, 2010.

19. Annexed hereto as Exhibit Q is a true and correct copy of the Rebuttal Report of Dr. Daniel Slottje, dated May 1, 2010.

20. Annexed hereto as Exhibit R is a true and correct copy of the Ingenix PHCS Reference Manuals, 2001-2009.

21. Annexed hereto as Exhibit S is a true and correct copy of the Ingenix MDR Payment System User Guides, 2001-2009.

22. Annexed hereto as Exhibit T is a true and correct copy of the Ingenix PHCS Reference Manual, 1999.

23. Annexed hereto as Exhibit U is a true and correct copy of the UnitedHealthcare Choice Plus United Healthcare Insurance Company Certificate Of Coverage for ACS Dataline, dated January 1, 2009.

24. Annexed hereto as Exhibit V is a true and correct copy of Letter from Martin C. Geagan, Esq. to D. Brian Hufford, Esq., dated Jan. 11, 2010.

25. Annexed hereto as Exhibit W is a true and correct copy of the Deposition Transcript of Jeffrey Weintraub, dated March 1, 2010.

26. Annexed hereto as Exhibit X is a true and correct copy of Aetna's Amended Responses and Objections to Plaintiffs' Second Set Of Interrogatories, dated April 7, 2009, Amended Response to Interrogatory No. 2.

27. Annexed hereto as Exhibit Y is a true and correct copy of the AMA Class Action Complaint, dated March 15, 2000.

28. Annexed hereto as Exhibit Z is a true and correct copy of the AMA Settlement Agreement, dated January 16, 2009.

29. Annexed hereto as Exhibit AA is a true and correct copy of the United S.D.N.Y. Settlement Agreement.

30. Annexed hereto as Exhibit BB is a true and correct copy of the Order on Expert Testimony, *In re Managed Care Litig.*, MDL. No. 1334 , dated May 10, 2005.

31. Annexed hereto as Exhibit CC is a true and correct copy of the Compilation of Public Reports of Filing of AMA Litigation.

I hereby declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.

Dated: July 2, 2010

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/s/Nicholas J. Pappas